



Mayor and Common Council Borough of Flemington

March 13, 2023

Council Meeting Room
Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822

I. Call to Order

Meeting was called to Order at 7:31 PM

II. Flag Salute

Girl Scout Kaylee Kelly led the Flag Salute

III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of March 13, 2023 was included in a list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on January 5, 2023, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough

IV. Roll Call

Marcia A. Karrow
Susan Engelhardt
Malik Johnston
Jeremy Long
Tony Parker
Elizabeth Rosetti
Kimberly Tilly

Mayor
Council Member
Council Member
Council President
Council Member
Council Member
Council Vice President

V. Presentations

VI. Mayor's Report

Mayor Karrow congratulated the local Brownie and Girl Scout Troops to celebrate Girl Scout week. A vote was approved to add an item to the Consent Agenda for Salsa Night. A Resolution to support federal funding for the YMCA's Flemington Pool is on the consent agenda. Senator Andrew Zwicker has offered to put an earmark into the state budget for Flemington for \$250,000 to complete phase 2A of the police building. We have about \$170,000 set for this work right now. The Borough is also sending a request to Congressman Kean, Senator Booker and Senator Menendez asking for \$2,000,000 that will help complete the rest of the Police Headquarters.

1. PROCLAMATION FOR GIRL SCOUT WEEK, 2023

Council Member Rosetti read the Proclamation.

Amendment to the Consent Agenda by adding Resolution 2023-84: Authorizing the partial closing of Stangl Road from 4:00 PM to 10:00 PM for Salsa Night

Motion To: **Approve**

RESULT: **Passed [6 - 0]**

MOVER: Kimberly Tilly, Member

SECONDER: Jeremy Long, President

AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

VII. Council Member Reports

Council Vice President Tilly reminded all that the FPC Historic House Tour is on Saturday, June 3rd. tickets will be available through Eventbrite and posted soon. On Wednesday March 22nd the HPC will hold a house tour meeting, so all people interested in volunteering are welcome.

Council Member Rosetti reported the Shade Tree Commission held their meeting last Wednesday. The commission appreciates how quickly we moved to increase the number of official members, and for creating a new Adopt-a-Tree online form. The Commission is working on their five year plan to maintain status with the state as the shade tree commission.

Council Member Engelhardt reported that the FRB opening day is April 1st, which always a really fun day in the Borough for not only the participants of the baseball league but our neighbors as well. The Flemington Community Garden is ramping up their spring preparation for the garden. Ms. Engelhardt attended the NJ League of Municipalities Budget Training for Municipal Elected Officials, which was very helpful heading into the Borough budget process. On March 21 at 7:00 pm at the Reading Fleming intermediate School the county is sponsoring the Music In Our Schools event that will feature the 100 Harmonizers, the Wind Symphony and the local fifth and sixth grade students. Last Friday, the Mayor and Ms. Engelhardt attended the reopening of the PossAbilities Thrift Boutique and asked for people to please consider donating. The Animal control Officer reported that this has been an unusually bad year, with at least half a dozen loose dogs without collars, without licenses, and without tags loose around town. The number of impounded dogs is higher than normal. Planning Board has a light agenda tomorrow night 7:00 pm, including the master plan subcommittee report that looks to convert the recommendations of the master plan into Borough ordinances.

Council Member Johnston shared that the library just had the children's room painted.

Council Member Parker discussed the meeting that he and Ms. Tilly facilitated a meeting with the FCP, the Police Department and DPW to discuss scheduling events and getting new protocols in place. Mr. Parker asked to schedule an upcoming Council Workshop to discuss the

event process. Mr. Parker requested that the FCP Director provide the Council with a written report for the March 27th Council Meeting. The FCP is submitting an AARP grant to develop more walking communities for seniors. We have finalized the contract to bring a newsletter to the Borough, which will not cost the Borough any money. For the first few issues we will distribute for local businesses for residents to pick up. The goal is to get it to be a community paper.

Council President Long shared that the Police Department is alerting everyone that there is a new set of stop signs been placed on the corner of Church Street and Brown Street. The Court Administrator Barrick discussed several issues related to the upcoming shared service with Raritan Township Court. Violations Clerk Schell just finished her principles of municipal court administration class successfully. Mr. Long made the following statement, "This is a very difficult thing for me to say. I mean that speak with Councilman Johnston previous and I told him I was going to be making a statement. It's very clear that in my role as council president, I feel that it's important for me to speak for the integrity of the Council. And I feel like it's really important to put Flemington Borough first, speaking not only as council president, but I speak to Councilman Johnson as a colleague and a friend. I can't imagine what what you have to deal with. In addition to this work which can be very hard and taxing and time consuming. At the last meeting, we did censure, Councilman Johnson, solely for these concerns. We don't have the legal authority to remove anyone we have no legal authority do any of that. Certainly. Councilman Johnson has the ability to do that. But I just wanted to just say to Councilman Johnston that I respect you and I am so sorry about everything but I think it might be a good idea to resign because there are there are jobs to do. And there may be some more appropriate person to step in. While you deal with with all of these painful and I cannot imagine challenging events in your life".

VIII. Administrator's Report

Administrator Humphrey announced that election petition dates have changed, now due on Monday, March 27th. The primary election date is June 6. The court is closed on a Friday, March 17 due to training for both of the employees of the court. The stormwater management grant has been submitted for \$25,000, to help with planning where the MS4 for permitting. The CARES grant has been submitted. A draft of cannabis application has been shared with the Council.

IX. Public Comments - Session I

Jeff Cain, Flemington Borough shared information about the Flemington community pool and struggles of the last few years to fund its renovations. He was hopeful to secure the needed funding to bring the pool back to life for the community.

Adrienne Fusaro of Flemington Borough shared her embarrassment of Council Member Johnston and asked him to resign.

Jessica Abbot of Flemington Borough shared a letter from her daughter in support of the Flemington Community Pool.

Lois Stewart of Flemington Borough asked about the Borough's efforts to secure shared services. Mayor Karrow shared the upcoming shared service agreement with the Raritan Township Court. Ms. Stewart asked about the energy Aggregation program. Administrator Humphrey responded that we passed a resolution opting into the program as long as the quote for the program is cheaper than the pricing from JCP&L. Ms. Stewart asked about Flemington Staff salary increases, and Ms. Karrow responded that non-union is proposed for 2% increase, and union are negotiated. Full time employees are eligible for health coverage

Susan Lax of Hunterdon Helpline in Flemington shared her concerns about the fees associated with Ordinance 2023-12 and the impact it may have on their fundraising.

Karen Becker of Raritan Township asked about the tax impact the budget will have on the Herman Kapp facility. Mayor Karrow responded that the PILOT is for approximately \$20,000 per year.

Mr. Ingram of Flemington Borough requested the removal of the handicap parking space on Capner Avenue, noting that the resident who originally requested the spot is no longer living in the Borough. He was asked to make comments during the Public Hearing for the Ordinance.

Tony Previte from Flemington Borough to comments about the small number of trash cans on Main Street, the problems with the digital billboard at the Flemington Circle, and the distressed flag and flag pole on Main Street near the Post Office.

X. Approval of Minutes

RESULT:	Passed [6 - 0]
MOVER:	Malik Johnston, Member
SECONDER:	Kimberly Tilly, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

XI. Consent Agenda

RESULT:	Passed [6 - 0]
MOVER:	Susan Engelhardt, Member
SECONDER:	Kimberly Tilly, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

1. RESOLUTION 2023-78: SUPPORTING THE BOROUGH OF FLEMINGTON TO BECOME A REVOLUTIONNJ COMMUNITY
2. RESOLUTION 2023-79: AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION FOR THE 2023 SUSTAINABLE JERSEY GRANTS PROGRAM FUNDED BY THE PSEG FOUNDATION IN THE AMOUNT OF \$2,000
3. RESOLUTION 2023-83: SUPPORTING THE APPLICATION OF THE YMCA OF BUCKS AND HUNTERDON COUNTY FOR FEDERAL GRANT MONEY FOR THE FLEMINGTON-RARITAN COMMUNITY POOL.
4. RESOLUTION 2023-84: AUTHORIZING THE PARTIAL CLOSING OF STANGL ROAD FROM 4:00 PM TO 10:00 PM FOR SALSA NIGHT

XII. Regular Agenda

1. **Public Hearing:**
ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS PERMITTED IN THE BOROUGH
No Comments from the public.

Mr. Johnston recused himself after the Public Hearing and did not vote.

Motion To: Open Public Comments

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: Close Public Comments

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Malik Johnston, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: Adopt

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti
ABSTAIN: Malik Johnston

2. **Public Hearing**

ORDINANCE 2023-04: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND LOCATIONS WITHIN CERTAIN DISTRICTS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS

No Comments from the Public

Council Member Johnston recused himself from the vote.

Council Member Engelhardt provided a summary of the determination of the Planning Board regarding this ordinance.

Motion To: **Open Public Comments**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
 Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
 Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti
ABSTAIN: Malik Johnston

3. **Public Hearing:**

ORDINANCE 2023-08: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING

RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY REMOVING A SPOT ON
CAPNER STREET

Mike Ingram of Flemington expressed the parking concerns on Capner Street, especially
for the two residences without driveway parking.

Motion To: **Open Public Comments**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
Johnston, Elizabeth Rosetti

4. **Public Hearing:**

ORDINANCE 2023-09: AMENDING CHAPTER 11 "UTILITIES," SECTION 11-1.1
"REGULATIONS" TO MODIFY THE WATER SERVICE UNIT

No Comments from the Public

Motion To: **Open Public Comments**

RESULT: Passed [6 - 0]
MOVER: Malik Johnston, Member
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik
Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

5. **Public Hearing:**

ORDINANCE 2023-10: AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, TITLED STREETS AND SIDEWALKS, TO UPDATE ROAD OPENING REQUIREMENTS
Lois Stewart of Flemington asked if Elizabethtown Gas will be repairing the sidewalk construction. it was explained that concrete work is not recommended for the cold weather, and these sidewalks will be addressed in the warmer months.

Motion To: **Open Public Comments**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT: **Passed [6 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: **Passed [6 - 0]**
MOVER: Susan Engelhardt, Member
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

6. **Public Hearing:**

ORDINANCE 2023-11: GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY

No comments from the Public

Motion To: **Open Public Comments**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Malik Johnston, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

7. **Introduction:**

ORDINANCE 2023-12: AMENDING CHAPTER 4 (LICENSING – GENERAL), SECTION 4-3 (RETAIL FOOD ESTABLISHMENTS), SUBSECTION 4-3.2 (FEES) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO AMEND THE FEES ASSESSED FOR TEMPORARY RETAIL FOOD ESTABLISHMENTS

Motion To: **Introduce**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Susan Engelhardt, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

8. RESOLUTION 2023-80: AUTHORIZING VACATION PAY FOR FORMER FLEMINGTON POLICE OFFICER DANIEL LOOKNER

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

9. RESOLUTION 2023-81: AGREEMENT WITH THE BOROUGH OF FLEMINGTON AND THE TOWNSHIP OF RARITAN FOR A SHARED MUNICIPAL COURT

Mr. Johnston recused himself from the vote.

[\[SHARED MUNICIPAL COURT\] - SHARED SERVICES AGREEMENT - RARITAN-FLEMINGTON \(JVS REV 3-13-23\) \(A1551464x9D7D2\).docx](#)

Motion To: **Adopt**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti
ABSTAIN: Malik Johnston

XIII. Work Session

1. Discussion regarding Cannabis Business License Applications

XIV. Public Comments - Session II

Lois Stewart of Flemington asked if the borough will have any Cannabis growing locations. it was explained that the Ordinance adopted in 2021 provided for two cultivation locations in the Borough.

Tony Prevot of Flemington shared his comments in support of the Flemington Poll, the Shared Court Agreement, and infrastructure ideas for the future of Flemington.

XV. Payment of the Bills

Payment of the Bills in the Amount of \$419,711.68

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

XVI. Executive Session

for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

1. RESOLUTION 2023-82: EXECUTIVE SESSION TO DISCUSS POTENTIAL EMPLOYMENT MATTERS AND POTENTIAL LITIGATION REGARDING A LIQUOR LICENSE

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

XVII Adjournment

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Attest: _____
Michael Humphrey, Acting
Borough Clerk